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Issue Date: 04 April 2003

Case No.: 2003-AIR-12

In the Matter of

**Coleen L. Powers,
Complainant**

v.

**Pinnacle Airlines, Inc.,
Respondent**

ORDER REGARDING OUTSTANDING MOTIONS

This matter is currently scheduled for hearing on May 28, 2003, in Memphis, Tennessee. On March 27, 2003, the Respondent filed a Motion to Compel Plaintiff to Respond to Pinnacle's Requests for Production of Documents and Interrogatories. On March 27, 2003, the Complainant submitted by telefax her Objection to Conduct of Proceedings, Motion to Reconsider March 5, 19, & 26 Orders and Her Motion for Speedy Trial and Motion to Reschedule Trial to an Earlier Date.

The Complainant has also provided copies of her Notice of Filing of March 28, 2003 OSHA Complaint, against Northwest Airlines Corporation, NWA, Inc., and Pinnacle Airlines, Inc. d/b/a/ Northwest AirlinK, and her OSHA complaint filed against Pollution Control Industries, Inc., Philip Bredesen, Governor of the State of Tennessee, Steven E. Elkins, Deputy Counsel, Betsy L. Childs, Commissioner, TDEC, Kim Kir, counsel, and Tennessee Department of Environment and Conservation. These matters are not before this Court for consideration.

In its Motion to Compel, the Respondent states that the Complainant has not submitted any response to its document requests, despite two extensions of time for a response. With respect to its Interrogatories, the Respondent states that the responses, which were submitted by the Complainant, without counsel's signature, are incomplete. According to the Respondent, counsel for the Complainant agreed to review the interrogatory responses and supplement them, but he has not done so. The Complainant has not responded to the Respondent's Motion to Compel.

The Complainant is hereby notified that her response to the Respondent's Motion to

Compel must be received by the Court no later than close of business on Friday, April 11, 2003. The Complainant is reminded that failure to cooperate in discovery could result in sanctions, including dismissal of her claim.

The Complainant has requested that I reconsider my March 5, 2003 Order Granting Respondent's Request for Partial Dismissal and Denying Complainant's Request for Default Judgment. I have reviewed that Order as well as the Complainant's arguments, and I find no basis for reconsideration.

The Complainant has requested that I reconsider my March 19, 2003 Order Denying Complainant's Discovery Motions. I have reviewed that Order, as well as Complainant's arguments, and I find no basis for reconsideration.

The Complainant has also requested that I reconsider my March 26, 2003 Order of Continuance. As I noted in that Order, neither the Court nor counsel for the Respondent was able to contact Claimant's counsel to discuss dates for a continuance of the hearing. Especially in light of the fact that there are outstanding discovery disputes, the current hearing date of May 28, 2003 is appropriate. I also note that the Complainant is still employed by the Respondent, in the same position and at the same wage rate as she was before she filed her complaint. Thus, any continuance of the hearing will not result in economic hardship. Finally, the Complainant has not articulated any reason why her hearing cannot take place on the Wednesday following the Memorial Day weekend. For all of these reasons, I find no basis for reconsideration of my March 26, 2003 Order.

CONCLUSION

Based on the foregoing, IT IS HEREBY ORDERED THAT:

1. The Complainant's response to the Respondent's Motion to Compel Plaintiff to Respond to Pinnacle's Requests for Production of Documents and Interrogatories must be received by the Court no later than close of business on Friday, April 11, 2003.
2. The Complainant's Motion to Reconsider March 5, 19, & 26 Orders and her Motion for Speedy Trial and Motion to Reschedule Trial to an Earlier Date is DENIED.
3. The Complainant's request for a prehearing teleconference with a court reporter on these issues is DENIED.

SO ORDERED.

A

LINDA S. CHAPMAN
Administrative Law Judge